

<u>CLAIM</u>	<u>SUPPORT IN THE SPECIFICATION</u>
13	p. 24, lines 15-16
14	p. 51, line 1 to p.57, line 16; Table 2
15	p. 25, lines 1-2
16	p. 52, lines 3-13
17	p. 92, lines 25-26
18	p. 93, lines 3-9
19	p. 95, lines 14-19
20	Table 20

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Upon entry of the present Amendment, claims 13-20 will be pending in the instant Application.

#### **DECLARATION**

The Examiner contends that the Declaration is defective because it claims benefit of Provisional Application Number 60/069,153 which is a different inventive entity and is drawn to a completely unrelated subject matter. Applicants submit herewith a substitute Declaration for Non-Provisional Patent Application which corrects the typographical error in the priority information so that Provisional Application Number 60/060,153 is recited.

#### **PRIORITY**

With regard to Applicant's claim for domestic priority under 35 U.S.C. 119(e), the Examiner contends that Provisional Applications 60/069,153 and 60/084,133 upon which priority is claimed fail to provide adequate support under 35 U.S.C. 112 for claims 1-12 of the Application.

With regard to Provisional Application number 60/084,133, Applicants respectfully disagree with the Examiner's contention that the Provisional Application fails to provide adequate support for claims 1-12 of the instant application. On page 114, line 31 to page 117, line 6 of Provisional Application 60/084,133, adequate support for mutants of the

M2-2 gene and the SH gene is provided. Thus, claims 2-3, and 6 are adequately supported by Provisional Application 60/084,133.

Applicants respectfully point out that Provisional Application number 60/069,153 should be Provisional Application number 60/060,153. This clerical error has been corrected in the substitute specification. Applicants therefore respectfully request that priority be established as September 26, 1997.

**THE REJECTIONS UNDER 35 U.S.C. §102 SHOULD BE WITHDRAWN**

Claims 1-12 are rejected under 35 U.S.C. §102 as being anticipated by international patent publication WO 98/02530 (hereinafter Murphy), WO 97/12032 (hereinafter Collins), and Bukreyev et al. (1997, J. Virol. 71: 8973-8982; hereinafter Bukreyev).<sup>1</sup> Both, Murphy and Collins teach isolated RSV particles comprising a RSV genome or antigenome containing deletions or mutations. Bukreyev teaches SH gene deletions.

In response, new claims 13-20 have been added to recite the specific mutations disclosed in Applicant's disclosure as originally filed. These specific mutations are not described either in Murphy, Collins, or Bukreyev. Thus claims 13-20 are not anticipated by Murphy, Collins or Bukreyev.

In view of the foregoing, Applicants respectfully request the Examiner to withdraw the rejection under 35 U.S.C. § 102.

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<sup>1</sup> Applicant's remarks herein should not be construed as indicating that Applicants cannot show that Murphy, Collins, and Bukreyev are not prior art to the present invention.

**CONCLUSION**

Applicant respectfully requests that the amendments and remarks of the present response be entered and made of record in the instant application. Withdrawal of the Examiner's rejections and an allowance of the application are earnestly requested. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

Respectfully submitted,

*by Jacqueline Bunn*  
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Enclosures